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Attorneys for Defendant  
**CITISTAFF SOLUTIONS, INC.**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON.

Plaintiff,

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES,  
INC.; and DOES 1-50, inclusive.

#### Defendants.

Case No. 3:17-cv-06748-WHO

**DEFENDANT CITISTAFF SOLUTIONS,  
INC.'S OBJECTIONS TO PLAINTIFF'S  
EVIDENCE IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT OR SUMMARY  
ADJUDICATION**

Date: October 23, 2019  
Time: 2:00 p.m.  
Courtroom: 2, 17<sup>th</sup> Floor  
Judge: Hon. William H. Orrick

Trial Date: March 2, 2020  
Complaint filed: October 16, 2017  
Amended filed: December 26, 2018

1           Defendant Citistaff Solutions, Inc. ("Defendant") hereby objects to the following evidence  
 2 presented by Plaintiffs Demetric Di-az and Owen Diaz in support of their opposition to  
 3 Defendant's Motion for Summary Judgment.

<u>MATERIAL OBJECTED TO</u>	<u>GROUND FOR OBJECTION</u>
<b>Declaration of Lawrence Organ In Support of Plaintiff's Opposition to Motion for Summary Judgment</b>	
8           1. Organ Dec. at ¶ 9, 2:26-27. "Attached hereto and 9 marked as Exhibit 8 is a true and correct copy of a 10 document produced by Plaintiff Owen Diaz in discovery and Bates-stamped ODIAZ000209."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
<b>Supplemental Declaration of Lawrence Organ In Support of Plaintiff's Opposition to Motion for Summary Judgment</b>	
14          2. Organ Supp. Dec. at ¶ 6, 2:27-3:2. "Exhibit E, filed 15 under seal, is a true and correct copy of a document 16 produced by Defendant Tesla, Inc. in discovery and 17 Bates-stamped TESLA-0000511. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
19          3. Organ Supp. Dec. at ¶ 7, 3:3-7. "Exhibit F, filed under 20 seal, is a true and correct copy of a document produced 21 by Defendant Tesla, Inc. in discovery and Bates-stamped 22 TESLA-0000510. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
24          4. Organ Supp. Dec. at ¶ 8, 3:8-12. "Exhibit G, filed 25 under seal, consists of true and correct copies of documents 26 produced by Defendant Tesla, Inc. in discovery and Bates- stamped TESLA-0000667 to TESLA-0000671. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.

<u>MATERIAL OBJECTED TO</u>	<u>GROUND FOR OBJECTION</u>
5. Organ Supp. Dec. at ¶ 9, 3:13-17. "Exhibit H, filed under seal, consists of true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000314 to TESLA-0000316. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
6. Organ Supp. Dec. at ¶ 12, 3:25-28. "Exhibit K, filed under seal, is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-000060. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
7. Organ Supp. Dec. at ¶ 13, 4:1-4. "Exhibit L, filed under seal, is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000626. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
8. Organ Supp. Dec. at ¶ 14, 4:5-9. "Exhibit M, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000138 through NS000139. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
9. Organ Supp. Dec. at ¶ 16, 4:16-21. "Exhibit O, filed under seal, consists of true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000004 through CITISTAFF-0000005. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>

**DEFENDANT CITISTAFF SOLUTIONS, INC.'S OBJECTIONS TO PLAINTIFF'S EVIDENCE IN  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OR SUMMARY  
ADJUDICATION (CASE NO. 3:17-cv-06748-WHO)**

<u>MATERIAL OBJECTED TO</u>	<u>GROUND FOR OBJECTION</u>
10. Organ Supp. Dec. at ¶ 17, 4:22-26. "Exhibit P, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000038 – NS000045. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
11. Organ Supp. Dec. at ¶ 18, 4:27-25:5:2. "Exhibit Q, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000095 through NS000100. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
12. Organ Supp. Dec. at ¶ 19, 5:3-7. "Exhibit R, filed under seal, is a true and correct copy of a document produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000014. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
13. Organ Supp. Dec. at ¶ 20, 5:8-13. "Exhibit S, filed under seal, consists of true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000009 through CITISTAFF-0000010. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.
14. Organ Supp. Dec. at ¶ 22, 5:19-23. "Exhibit U, filed under seal, consists of true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped TESLA-0000001 through TESLA-0000003. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	a. The statement constitutes inadmissible hearsay. FRE 802.  b. Lacks Foundation.

<u>MATERIAL OBJECTED TO</u>	<u>GROUND FOR OBJECTION</u>
15. Organ Supp. Dec. at ¶ 23, 5:24-27. "Exhibit V, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000175 through NS000178. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p>
<b>Declaration of Lawrence Organ In Support of Plaintiff's Administrative Motion to File Under Seal</b>	
16. Organ Dec. at ¶ 6, 3:1-4. "Attached hereto and marked as Exhibit E is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000511. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p>
17. Organ Dec. at ¶ 7, 3:6-9. "Attached hereto and marked as Exhibit F is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000510. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p>
18. Organ Dec. at ¶ 8, 3:10-14. "Attached hereto and marked as Exhibit G are true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000667 to TESLA-0000671. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p>
19. Organ Dec. at ¶ 9, 3:15-19. "Attached hereto and marked as Exhibit H are true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000314 to TESLA-0000316. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p>

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OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OR SUMMARY  
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<u>MATERIAL OBJECTED TO</u>	<u>GROUND FOR OBJECTION</u>
20. Organ Dec. at ¶ 12, 4:1-4. "Attached hereto and marked as Exhibit K is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-000060. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
21. Organ Dec. at ¶ 13, 4:5-9. "Attached hereto and marked as Exhibit L is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000626. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
22. Organ Dec. at ¶ 14, 4:10-14. "Attached hereto and marked as Exhibit M are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000138 through NS000139. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
23. Organ Dec. at ¶ 16, 4:21-26. "Attached hereto and marked as Exhibit O are true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000004 through CITISTAFF-0000005. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
24. Organ Dec. at ¶ 17, 4:27-5:2. "Attached hereto and marked as Exhibit P are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000038 through NS000045. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>

<u>MATERIAL OBJECTED TO</u>	<u>GROUND FOR OBJECTION</u>
25. Organ Dec. at ¶ 18, 5:3-7. "Attached hereto and marked as Exhibit Q are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000095 through NS000100. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
26. Organ Dec. at ¶ 19, 5:8-12. "Attached hereto and marked as Exhibit R is a true and correct copy of a document produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000014. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
27. Organ Dec. at ¶ 20, 5:13-18. "Attached hereto and marked as Exhibit S are true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000009 through CITISTAFF-0000010. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
28. Organ Dec. at ¶ 22, 5:24-28. "Attached hereto and marked as Exhibit U are true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped TESLA-0000001 through TESLA-0000003. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>
29. Organ Dec. at ¶ 23, 6:1-4. "Attached hereto and marked as Exhibit V are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000175 through NS000178. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order."	<ul style="list-style-type: none"> <li>a. The statement constitutes inadmissible hearsay. FRE 802.</li> <li>b. Lacks Foundation.</li> </ul>

1 Dated: October 9, 2019

LAFAYETTE & KUMAGAI LLP

3 */s/ Susan T. Kumagai*  
4 SUSAN T. KUMAGAI  
5 Attorneys for Defendant  
CITISTAFF SOLUTIONS, INC.

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